IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P. No.18391 of 2007
Date of decision: December 13,2007

Ex.Platoon Commander Udik Chand Sharma V. State of Punjab and and others

CORAM: HON'BLE MR.JUSTICE J.S.KHEHAR
HON'BLE MR.JUSTICE SHAM SUNDER

Present: Mr. I.D.Singla,Advocate, for the petitioner.

J.S.Khehar,J.(Oral)

Learned counsel for the petitioner has invited the court's attention to the provisions of the Punjab Home Guards and Civil Defence (Field) Class III Service Rules,1983 and more particularly to Rule 13 and Appendix 'B' thereof in order to demonstrate that as against an order of punishment inflicted at the hands of the District Commandant, an appeal is competent to the Commandant General.

Without going into the merits of the aforesaid submission, we are satisfied that as against the order of discharge dated 12.11.2005, the petitioner, as per pleadings, preferred an appeal on 3.4.2007 (Annexure P/7). It is the contention of the learned counsel for the petitioner that no decision has been taken thereon till date. Learned counsel for the petitioner further states that the petitioner will be satisfied if the instant writ petition is disposed of with a direction to the appellate authority to take a final decision on the appeal preferred by the petitioner on 3.4.2007 (Annexure P/7).

In view of the above, without going into the merits of the

claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition with a direction to the Commandant General, Home Guards (respondent No.2) requiring him to take a final decision on the appeal preferred by the petitioner on 3.4.2007(Annexure P/7) by passing a well reasoned speaking order within two months from the date of receipt of a certified copy of this order. It will be open to respondent No.2 to evaluate inter alia the maintainability of the aforesaid appeal under the provisions of 1983 Rules referred to hereinabove.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S. Khehar)
Judge

December 13,2007
sks

(Sham Sunder)
Judge